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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,402	04/06/1999	REGIS J. CRINON	KLR:7146.029	6268

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EXAMINER

TRAN, HAI V

ART UNIT

PAPER NUMBER

2611

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/287,402

Applicant(s)

CRINON, REGIS J.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michener et al. (US 6323909) in view of Eyer (US 5982445).

Regarding claim 1, Michener discloses a method of displaying a document together with a time stamp specified display of video element comprising the steps of:

Providing the document (data stream 135) including a structure for receiving a time stamp value (PTS) associated with the video element (video PES stream 75) in a packetized elementary stream (PES; Mater stream 160);

Inserting the time stamp values the associated with the video element in the structure (Fig. 3, element 275; Col. 6, lines 20-42);

Reading the time stamp value in the document (RTC in the auxiliary data packets; Col. 6, lines 43-48) and

Michener doesn't clearly disclose, at least one of the time stamp is providing and signaling the availability of the document to a viewer in accordance with the time stamp value;

Eyer discloses an apparatus and method for receiving, processing and displaying programming service video/audio data together with supplemental HTML data wherein the availability of HTML data is signaled to viewer using buttons by which the viewer can cause the HTML data to be displayed as shown in Fig. 4 and Col. 10, lines 36-44. Thus Eyer meets the limitation "at least one of the time stamp is providing and signaling the availability of the document to a viewer in accordance with the time stamp value" in order to perform as disclosed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Michener to include means for signaling to the viewer the HTML pages are available for displaying, as taught by Eyer, so to enable viewer to interactively select HTML pages as needed rather than automatically displaying HTML pages in which the viewer may not want to view.

Regarding claim 2, Michener further discloses, wherein the availability of the document is signaled by displaying the document (displaying a digital program guide; Col. 7, lines 47-52).

Regarding claims 3 and 9, the claimed limitation "Wherein the presence of the document is signaled by displaying to the viewer a notice of the availability/command by

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which the viewer can cause the document to be displayed" is analyzed with respect to claim 1.

Regarding claim 4, Michener further discloses wherein the time stamp value is encoded in a data packet with the document before the data packet is transmitted (see Fig. 2 and 3 wherein the header 165 of the master stream 160 has a time stamp value PTS/DTS 275 is encoded before the data packet is transmitted).

Regarding claim 6, Michener discloses a method of displaying a document together with a time stamp specified display of video element comprising the steps of:

Providing the document (data stream 135) including a structure for receiving a time stamp value specifying a display time (PTS) for the document (Col. 5, lines 48-Col. 6, lines 20).

Encoding in a packetized elementary stream a first data packet (video) comprising the document and the time stamp value; and

Encoding in a packetized elementary stream a second packet (audio) comprising the time stamp value and a target datum in either the video or audio element is shown in Fig. 2 and 3.

Reconstructing the document from the first data packet; capturing the time stamp value from the first data packet; Inserting the time stamp value into the structure for receiving the time stamp value; reading the time stamp value in the document; and providing or signaling the availability of the document to a viewer and displaying the target datum of the at least one of the video element and the audio

element at the display time specified by the time stamp value is described in Col. 6, lines 43-65+.

Regarding claims 7-8, Michener further discloses, wherein the availability of the document is signaled by displaying the document (decoding the video component by comparing the time stamp to the time from the local clock reference after the time stamp is multiplied by a multiplication factor and presenting the decoded video component to an output device; Col. 6, lines 43-65+), including in the document a display time interval and terminating the display of the document at a time specified by the display time interval and the time stamp value (providing conditional access or other data related tasks; Col. 7, lines 10-52).

Regarding claim 10, Michener further discloses transmitting the first (Video) and second (Audio) data packets to a receiver; see Fig. 2; Col. 4, lines 43-65+;

2. Claims 5, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michener et al. (US 6323909) in view of Eyer (US 5982445) and further in view of Harrison et al. (US 6064420).

Regarding claim 5, Michener and Eyer do not clearly disclose wherein the time stamp value is inserted in the structure after the document is transmitted.

Harrison discloses a script is generated from sub-system 20 and sent over the terminal to synchronize the pre-stored associate data at local storage 80 with the display (by executing the script, the pre-stored associate data at the terminal is synchronizing with the received main stream to display to viewer based on the

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inserted time stamp value from the; Col. 5, lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Michener in view of Eyer to insert the time-stamp in the structure after the document is transmitted, as taught by Harrisson, so to enhance the quality and content of the primary information stream with corresponding targeted associated data (see Summary of the invention).

Regarding claim 11, Michener discloses an apparatus for displaying a document together with at least one of a video and an audio element of a video comprising:

A document server 50 for delivering the document 135 including a structure for receiving a time stamp value as a first data stream 75 to a packet assembler 155, the delivery being coordinated with the arrival of a target datum in a second data stream 105 representing the at least one of the video element 75 and audio element 110;

The packet assembler 155 for encoding in a packetized elementary stream 160 a first data packet (Video 75) comprising a data unit representing the document 135 and a time stamp value specifying a time (PTS/DTS) for displaying the document 135; and a second data packet (Audio 110) comprising the target datum and the time stamp value unit and the time stamp from the first data packet is shown in Fig. 2 and 3;

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A packet disassembler (Fig. 4, element 320) for separating the data unit 335 and the time stamp value from the first data packet 325 (Col. 6, lines 43-Col. 7, lines 47);

Michener does not clearly disclose a parser to reconstruct the document from the data unit and a data presentation engine to read the document.

Eyer discloses a parser and browser to reconstruct the document from the data unit (Fig. 2; element 220, 215; Col. 8, lines 44-48 and Col. 9, lines 13-21);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Michener to include a parser and data presentation engine (Browser); as taught by Eyer; so to identify displayable objects and display instructions from HTML codes so that a browser could display corresponding HTML pages to viewers.

Michener and Eyer do not clearly disclose, "a time stamp loader to insert the time stamp value into the structure for receiving the time stamp value";

Harrison discloses a script is generated from sub-system 20 and sent over the terminal to synchronize the pre-stored associate data at local storage 80 with the display (by executing the script, the pre-stored associate data at the terminal is synchronizing with the received main stream to display to viewer based on the inserted time stamp value from the; Col. 5, lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Michener in view of Eyer to have a time-loader (script) to insert the time-stamp in the structure after the document is transmitted, as taught by Harrison, so

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to enhance the quality and content of the primary information stream with corresponding targeted associated data (see Summary of the invention).

Regarding claim 12, Michener further discloses, the availability of the document is signaled by displaying the document (decoding the video component by comparing the time stamp to the time from the local clock reference after the time stamp is multiplied by a multiplication factor and presenting the decoded video component to an output device; Col. 6, lines 43-65+);

Regarding claim 13, Eyer further discloses a storage device to store the reconstructed document (Fig. 2; element 210; Col. 11, lines 8-12) and a command device enabling the viewer to cause the display of the document (Fig. 2; element 232; Col. 9, lines 1-5 & 46-50);

Regarding claim 14, Michener further discloses a transmission and receiving system for transferring data packets to a receiver (see Fig. 1-4).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jong (US 6269107) shows a device and method for demultiplexing transport stream.

Swaminathan et al. (US 6460086) shows a method and apparatus for delivery of a bytecode embedded within a transport stream.

Bennett et al. (US 6421359) shows an apparatus and method for multi-service transport multiplexing.

Throckmorton et al. (US 5818441) shows a system and method for simulating two-way connectivity for one-way data streams.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9314

(for informal/draft communications, please label "PROPOSED" or
"DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht
3/31/03



ANDREW FAILE

SUPERVISORY PATENT EXAMINER
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